

BASIS FOR FEDERAL QUESTION JURISDICTION

4. The Action asserts claims for statutory violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“**TCPA**”), the Consumer Sales Practices Act, R.C. § 1345.01 *et seq.* (“**CSPA**”), and the Telephone Solicitation Sales Act, R.C. § 4719.01 *et seq.* (“**TSSA**”). (See Complaint, ¶¶ 1, 43-71.)

5. Removal of Plaintiff’s claim is proper because this Court has original federal question jurisdiction over claims alleging violations of the TCPA. 28 U.S.C. §§ 1331, 1441(a); *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 386-87 (2012) (“Nothing in the text, structure, purpose, or legislative history of the TCPA calls for displacement of the federal question jurisdiction U.S. district courts ordinarily have under 28 U.S.C. §1331.”)

PROPRIETY OF REMOVAL

6. Pursuant to 28 U.S.C. §1446(a), the State Court Action is properly removable to this Court because it is within this Court’s district and division. Further, all process, pleadings, and orders that have been filed in the State Court Action are attached.

7. Pursuant to 28 U.S.C. § 1446(b), this Notice is timely because this Notice is filed within thirty days after receipt by Quake.

8. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal has or will promptly be filed with the State Court, and a written notice of this removal has been served on Plaintiff. A Notice of Removal filed in the State Court Action is attached as **Exhibit 3**.

9. By reason of the foregoing, Defendant Quake is entitled to have this Action removed from the Cuyahoga County Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division, such being the district where the Action was filed and is pending.

10. Quake reserves all defenses, including but not limited to those under Fed. R. Civ. P. 12, and does not waive said defenses by the filing of this Notice of Removal.

WHEREFORE, Quake respectfully requests that this Action be removed from the Cuyahoga County Court of Common Pleas to the United States District Court for the Northern District of Ohio, Eastern Division, and that all proceedings hereinafter in this matter take place in the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

s/ David M. Krueger

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Quake Energy LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2019, a copy of the above pleading was served via the District Court ECM/ECF system, and by first class United States mail, postage prepaid, on the following:

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